

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. EDCV 24-1279 JGB (DTBx)

Date September 23, 2024

Title *Francisco Monarez, et al. v. Eduardo Villela, et al.*

Present: The Honorable JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE

MAYNOR GALVEZ

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause re Dismissal for Lack of Prosecution
(IN CHAMBERS)**

On June 18, 2024, Plaintiffs Francisco Monarez, Banda Vallarta Show, and Pablo Mejia Perez (collectively, “Plaintiffs”) filed a complaint against Defendants Eduardo Villela, Juan Preciado, and Silverio Martines (collectively, “Defendants”). (“Complaint,” Dkt. No. 1.) The Complaint alleges eight causes of action: (1) federal service mark infringement; (2) federal unfair competition; (3) federal false designation of origin; (4) federal copyright infringement; (5) state trade name infringement; (6) state service mark dilution; (7) state unfair competition; and (8) common law service mark infringement. (See id.)

On July 21, 2024, Defendant Juan Preciado was served with the summons and Complaint (“Preciado Proof of Service,” Dkt. No. 19.) However, to date, no proof of service has been filed as to Defendants Eduardo Villela and Silverio Martines.

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. Proc. 4(m). Generally, defendants must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed R. Civ. Proc. 12(a)(1).

Here, it appears that one or more of these time periods has not been met as no proof of service has been filed for Defendants Villela or Martines. Accordingly, the Court, on its own motion, orders Plaintiffs to show cause in writing on or before **September 30, 2024**, why this

action should not be dismissed for lack of prosecution as to Defendants Villela and Martines. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of proofs of service on or before the date upon which a response by Plaintiffs is due. Failure to adequately respond to this order or file proofs of service may result in the dismissal of this case.

IT IS SO ORDERED.